

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BLAKE L. ANDERSON,

Petitioner,

v.

NETHANJAH
BREIGHTENBACH, *et al.*,

Respondents.

Case No. 3:24-cv-00430-ART-CLB

ORDER

In compliance with the court's prior order (ECF No. 5), petitioner, Blake L. Anderson, has paid the filing fee for his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 6. So, the Clerk of Court will be ordered to docket the petition (ECF No. 1-1) and Anderson's motion for appointment of counsel (ECF No. 1-2). The court has reviewed Anderson's petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts and finds that it merits service upon the respondents.

The court has also considered Anderson's motion for appointment of counsel. Whenever the court determines that the interests of justice so require, counsel may be appointed to any financially eligible person who is seeking habeas corpus relief. 18 U.S.C. § 3006A(a)(2)(B). Appointment in the interests of justice is appropriate when the issues are complex, and the penalty is severe. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986). Anderson stands convicted of kidnapping, multiple counts of sexual assault and battery, and other related charges. He is serving several life sentences and will not be eligible for parole until 2041. The Nevada Supreme Court's order affirming his direct

1 appeal suggests his case involves complex claims that would require the
2 assistance of counsel to articulate.¹ In addition, there appears to be an issue
3 regarding the timeliness of Anderson's petition. See 28 U.S.C. § 2244(d). For
4 these reasons, the court will grant Anderson's motion for appointment of
5 counsel.

6 The court anticipates that, with counsel, Anderson will likely file an
7 amended petition. Thus, respondents are not required respond to Anderson's
8 initial petition.

9 **IT IS THEREFORE ORDERED** that the Clerk of Court detach and file
10 Anderson's petition for a writ of habeas corpus (ECF 1-1) and motion for
11 appointment of counsel (ECF No. 1-2).

12 **IT IS FURTHER ORDERED** that the Clerk add Aaron D. Ford, Nevada
13 Attorney General, as counsel for respondents and provide respondents an
14 electronic copy of all items previously filed in this case by regenerating the
15 Notice of Electronic Filing to the office of the AG only.

16 **IT IS FURTHER ORDERED** that Anderson's motion for appointment of
17 counsel is **GRANTED**.

18 **IT IS FURTHER ORDERED** that the Federal Public Defender for the
19 District of Nevada (FPD) is appointed to represent Anderson.

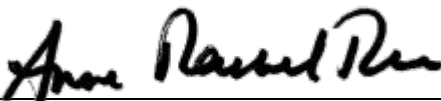
20 **IT IS FURTHER ORDERED** that the Clerk **ELECTRONICALLY SERVE**
21 the FPD a copy of this order, together with a copy of the petition for writ of
22 habeas corpus (ECF Nos. 1-1). The FPD has 30 days from the date of entry of
23 this order to file a notice of appearance or to indicate to the court its inability to
24 represent Anderson in these proceedings.

25 **IT IS FURTHER ORDERED** that after counsel has appeared for Anderson
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27 ¹ While the order is not included with Anderson's petition, the court takes judicial
28 notice of the order available online.
<https://caseinfo.nvsupremecourt.us/public/caseView.do?csIID=56539>

1 in this case, the court will issue a scheduling order, which will, among other
2 things, set a deadline for the filing of an amended petition.

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4 Dated this 18th day of November, 2024.

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8 ANNE R. TRAUM
9 UNITED STATES DISTRICT JUDGE
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